

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

STATE OF NEW JERSEY,

*Plaintiff,*

V.

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, *et al.*,

*Defendants,*

and

METROPOLITAN TRANSPORTATION  
AUTHORITY, *et al.*,

*Defendant-Intervenor.*

No. 23-3885 (LMG-LDW)

## DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants<sup>1</sup> file this notice to inform the Court that on June 20, 2024, Judge Lewis J. Liman issued a ruling in the related cases pending in the U.S. District Court for the Southern District of New York (*Chan v. U.S. Dep't of Transp.*, No. 23-10365; *Mulgrew v. U.S. Dep't of Transp.*, No. 24-1644; and *New Yorkers Against Congestion Pricing Tax v. U.S. Dep't of Transp.*, No. 24-367). *See In re Plum Baby Food Litig.*, 637 F. Supp. 3d 210, 220 n. 4 (D.N.J. 2022) (court may take judicial notice of persuasive authority). As detailed in the attached decision, Judge Liman held that, among other things, Defendants complied with the National Environmental Policy Act in issuing the May 5, 2023, Final Environmental Assessment and June

<sup>1</sup> Defendants are the U.S. Department of Transportation, the Federal Highway Administration, Shailen Bhatt, in his official capacity as Administrator of FHWA, and Richard J. Marquis, in his official capacity as Division Administrator of the New York Division of FHWA.

23, 2023 Finding of No Significant Impact that are also at issue in this litigation. *See* Op. and Order (June 20, 2024).

Respectfully submitted this 21st day of June, 2024,

TODD KIM  
Assistant Attorney General  
United States Department of Justice  
Environment & Natural Resources Division

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